

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

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| UNITED STATES OF AMERICA, | * | |
| | * | |
| vs. | * | Criminal No: 2:05-cr-119-MEF |
| | * | |
| DON EUGENE SIEGELMAN, et al., | * | |

**GOVERNOR SIEGELMAN’S RESPONSE
TO THE UNITED STATES’ MOTION TO UNSEAL**

Comes now the Defendant, DON EUGENE SIEGELMAN (Governor Siegelman), by and through his counsel of record, and files this his Response to the United States’ Motion to Unseal [Doc 879], and in support thereof states as follows:

1. On May 1, 2008, the Government moved to unseal the June 29, 2006 conditions of Governor Siegelman’s release pending trial.¹ The Government states “several newspaper articles have recently appeared discussing the conditions of Defendant Siegleman’s release,” but the Government fails to explain why the publication of these articles should be of any interest to the Government or this Court.

2. It is not this Court’s responsibility to assist the Government in combating adverse publicity, especially when that adverse publicity was created by the Government’s own errors.

3. The U.S. Probation Office has recently admitted that it was wrong in reclassifying Governor Siegleman as a “Special Offender” and in imposing an additional

¹On March 27, 2008, the Eleventh Circuit Ordered that these conditions govern Siegelman’s immediate release from prison.

layer of travel restrictions upon him.

4. Given the Probation Office's admission of error, the Government's motion to unseal is moot, and therefore, should be denied.

4. If the Court decides that unsealing Governor Siegelman's conditions of release is for some reason justified then, in the interest of full disclosure, Governor Siegelman requests that the Court order disclosure of the following:

- a) all communications between the U.S. Probation Office and the Department of Justice (including the Public Integrity Section headquartered in Washington, D.C. and the U.S. Attorney's Office for the Middle District of Alabama) regarding the terms and conditions of Governor Siegelman's release pending appeal including, but not limited to, any discussions regarding Governor Siegelman's recent travel to Washington, D.C. to meet with members of the House Judiciary Committee;
- b) all communications between the U.S. Probation Office headquartered in Washington, D.C. and U.S. Probation Offices headquartered in Birmingham and Montgomery, Alabama regarding the terms and conditions of Governor Siegelman's release pending appeal;
- c) all communications between the U.S. Probation Offices in Birmingham and Montgomery, Alabama regarding the terms and conditions of Governor Siegelman's release pending appeal;
- d) all communications between the Administrative Office of the U.S. Courts and the Department of Justice, U.S. Probation Office headquartered in Washington, D.C., the U.S. Probation Office headquartered in Birmingham, and the U.S. Probation Office headquartered in Montgomery regarding the terms and conditions of Governor Siegelman's release pending appeal.

WHEREFORE, the premises considered, Governor Siegelman respectfully requests the Court to deny, as moot, the Government's motion to unseal [Doc 879] or, in the alternative, to require the Department of Justice, the U.S. Probation Offices, and the

Administrative Office of the U.S. Courts to produce the evidence described above, and for such further, other, and different relief to which Governor Siegelman is entitled.

/s/ David A. McDonald

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CERTIFICATE OF SERVICE

I do hereby certify that on this the 6th day of May, 2008, I electronically filed the foregoing pleading with the Clerk of the Court using the CM/ECF system which will send notification of such to all counsel of record.

/s/ David A. McDonald

DAVID A. McDONALD